REMARKS

Claims 1-11 are currently pending in the application. In the Office Action, claims 1-10 were rejected under 35 USC §102 over U.S. Patent No. 6,721,568 (Gustavsson, et al.). Reconsideration of the application, as amended, is respectfully requested. By this amendment, claims 1 and 5 have been amended.

By this amendment, claim 5 has been amended to define the use of actual, predictive and default values. New claim 11 depends from claim 1 and also defines the use of actual, predictive and default values. Support is found in the specification, at paragraphs [0017] and [0028] - [0031].

With respect to the rejection in view of Gustavsson as applied to the amended claims is respectfully traversed. Gustavsson describes an admission control procedure in which both actual measurement values and predicted values are used. Actual interference measurements are made. When a request for a radio resource is recived, an estimate of the effect of a radio resource request is made. A determination is then made as to whether to allocate additional radio resources based on both the actual measurement value and the estimated effect. In contrast, the present invention determines the availability of an actual measurement. If an actual measurement is available, the validity of the actual measurement is determined. If the actual measurement is determined to be valid, it is used. If the actual measurement is determined not to be valid, it may be used in conjunction with a predictive value, if available. In essence, a heirachy of actual values, a combination of actual and predictive values, predicative values alone, default values or a combination of all of the above may be used depending upon which values are available. This is much more robust system since it takes into account the best available measurement; whether they be actual, predicative or default values.

There is no suggestion in this that the procedure of Gustavsson includes a combination of determining availability of actual or predictive measurements, and determining their validity and using the best of the actual values.

In contrast, Gustavsson specifies that a static combination of an actual value and a predicted value are used. The determination of resource allocation according to Gustavsson is made solely based on the measurement value and the predictive estimated value.

Referring to Applicant's claim 1, the claimed sequence specifies

> the processing unit determines availability of an actual measurement,
>
> in the case of availability of the actual measurement, the processing unit determines a validity of the actual value, and ... uses the actual value;
>
> [absent] the actual value, the processing unit determines availability of a valid predictive value, [and] uses the predictive value
>
> in the case of indeterminate validity of the predictive value, the processing unit uses a default value.

It is submitted that these features are neither shown nor suggested by Gustavsson, et al.

Dependent claims 2-3 define specific air interface measurements, including actual measurements and, in the case of claim 3, predicted measurements selectively combined by said processing unit. When combined with Applicant's independent claim, these features are neither shown nor suggested by Gustavsson, et al.

Dependent claim 4 describes the use of a timestamp, but again the feature is combined with Applicant's estimation method. The mere use of time based measurements in a resource estimation circuit does not suggest the estimation

itself. The present invention implements time estimation as combined with the sequence of determinations defined in claim 1.

Claim 11 depends from claim 1. Dependent claim 11 defines the use of actual measurements if actual measurements are available, and the use of predictive values if predictive values are available. In the absence of neither valid values nor predictive values, default values are used.

Similar limitations appear in method claims 5-10. It is likewise submitted that the features in those claims are neither shown nor suggested by Gustavsson, et al.

For the above reasons, Applicant respectfully submits that the presently claimed invention is patentable over the prior art. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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Enclosure